

CASE #3.2 – RELIGIOUS FREEDOM VS. VIOLATION OF INDIVIDUAL RIGHTS

Introduction

Local communities, state governments, the Federal government, the Supreme Court, corporations, businesses, entertainers, chambers of commerce, religious organizations, and human rights groups are all engaged in debates around sexual orientation, gender identity, and sexual behavior. Legislatures across the country continue to wrestle with two central issues: (1) whether individuals or organizations should be required to provide services to lesbian, gay, bisexual, and transgender (LGBT) persons when doing so conflicts with their religious beliefs; and (2) whether transgender individuals should be allowed to use bathrooms that match their gender identity rather than their sex at birth.

Supporters of restrictions argue that being required to serve LGBT individuals or accept transgender bathroom use violates religious freedom. Opponents argue that such restrictions amount to unlawful discrimination and violations of individual rights.

Large corporations, including Home Depot, Toyota, Nissan, MGM Resorts, Tyson Foods, AT&T, IBM, and Levi Strauss, have opposed such measures. The NBA relocated the 2017 All-Star Game from Charlotte in protest of North Carolina's legislation. Conversely, over 20 states have introduced bills supporting these measures, backed by church-affiliated groups and national Christian organizations. The issue escalated when the Federal government instructed states to protect transgender people's access to bathrooms, locker rooms, and showers.

Proponents' Position: Religious Freedom Under Siege

Supporters of these laws argue that people of faith are under pressure from cultural forces and the courts. At least 12 states have introduced bills allowing individuals to refuse services to LGBT people if doing so violates their religious beliefs, or requiring transgender individuals to use restrooms

consistent with their sex at birth. They contend that traditional beliefs about marriage and sexuality are under attack, that religious freedom must be protected, and that privacy and safety—especially for women and children in bathrooms—are at risk.

Opponents' Position: Denial of Services Equals Discrimination

Opponents argue that refusal of services based on sexual identity is discrimination, citing cases where:

- Employers refused insurance coverage for contraception
- Graduate students training as social workers declined to counsel gay clients.
- Pharmacies turned away women seeking birth control.
- Wedding service providers refused same-sex couples.

They argue that laws limiting LGBT rights are unnecessary: states with non-discrimination protections report no increase in sexual incidents in restrooms. For opponents, religion is being used not as a shield but as a tool to deny others their rights.

Recent Legislation and Current Statistics (2025)

Since 2013, legislatures have introduced hundreds of bills limiting LGBT rights. As of 2025, the ACLU reports that 575 anti-LGBTQ state bills have been introduced nationwide, with 54 already enacted into law. Over 867 bills specifically targeting transgender individuals have been filed this year alone, including 122 banning gender-affirming care and 77 restricting bathroom access.

Religious exemption laws are widespread: 28 states have Religious Freedom Restoration Act (RFRA) laws that may enable discriminatory practices, and 10 states explicitly allow healthcare providers to deny LGBTQ patients services on religious grounds.

As of 2025, 19 states enforce bathroom restrictions requiring transgender individuals to use facilities consistent with their sex assigned at birth—

despite research showing no improvement in safety and higher rates of harassment.

State safety rankings reveal a sharp divide: 8 states earned 'A' grades for inclusive protections, while 13 states received failing 'F' grades due to discriminatory laws and elevated hate crimes. Surveys show that 38% of LGBTQ individuals have considered relocating to safer states.

Ethical Tension

Supporters claim such laws protect people of faith from being forced to act against conscience. Opponents argue they enable discrimination, harm vulnerable groups, and blur the line between religious liberty and equal protection under the law.

Questions for Discussion

1. Opponents emphasize two human rights issues: denial of services to LGBT individuals and restrictions on transgender restroom access. Proponents emphasize the importance of religious liberty and personal rights. What are the ethical considerations when weighing religious freedom, human rights, and economic consequences?
2. Can conflicts like this be resolved? If rights clash, does one take precedence over the others? Why?
3. Based on your ethical position, how would you vote as a legislator on these issues?